

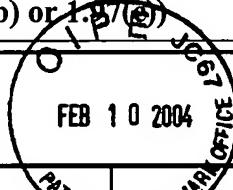
02-11-04

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
122294-1007

In Re Application Of: McWilliams, et al.



Serial No.
10/661,729

Filing Date
September 12, 2003

Examiner
Unknown

Group Art Unit
1632

Title:

**ISOLATION OF GENETIC MOLECULES FROM A COMPLEX BIOLOGICAL CONSTRUCT FOR USE IN
GENETIC EXPRESSION ANALYSIS**

Address to:

Assistant Commissioner for Patents
Washington, D.C. 20231

37 CFR 1.97(b)

1. The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

OR

the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b))

Docket No.
122294-1007

In Re Application: McWilliams, et al.

FEB 10 2004

PATENT & TRADEMARK OFFICE

Serial No.

10/661,729

Filing Date

September 12, 2003

Examiner

Unknown

Group Art Unit

1632

ISOLATION OF GENETIC MOLECULES FROM A COMPLEX BIOLOGICAL CONSTRUCT FOR USE

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of _____ is attached.
- The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 07-0153 as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of _____
- Credit any overpayment.
- Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account.

Dated: February 10, 2004

Signature

Carol M. Nielsen Reg. No. 37,676

Gardere Wynne Sewell LLP

1000 Louisiana, Suite 3400

Houston, TX 77002-5007

713-276-5383 phone

713-276-5555 fax

cnielsen@gardere.com

CC:



CERTIFICATE OF MAILING

I certify that this correspondence is being deposited with the U.S. Postal Service Express Mail delivery service under 37 C.F.R. 1.10 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature

William Asher

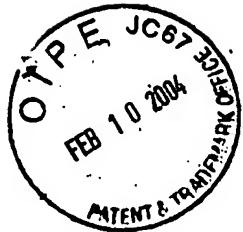
Name of Person Signing

EV 169246099 US

"Express Mail" Mailing Label Number

Date of Signature: February 10, 2004

HOUSTON 639750v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1632)
Examiner: Unknown)
Applicants: McWilliams, et al.)
Application Number: 10/661,729)
Filed: September 12, 2003)
For: ISOLATION OF GENETIC MOLECULES)
FROM A COMPLEX BIOLOGICAL)
CONSTRUCT FOR USE IN GENETIC)
EXPRESSION ANALYSIS)

CERTIFICATE OF MAILING	
Express Mail No.:	EV 169246099 US
Date of Deposit:	February 10, 2004
I certify that the accompanying paper is being deposited with the United States Postal Service and sent "Via Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
<hr/> <hr/> <hr/>	
William Asher <i>William Asher</i> <hr/> <small>Typed or Printed Name: Signature</small>	

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Supplemental Information Disclosure Statement

As listed on the accompanying form PTO-1449, applicants submit with this information disclosure statement copies of the indicated references, which applicants believe may be material to the examination of the above-identified application, and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Written notification that the enclosed references have been considered in their entirety by return of a copy of the enclosed form, completed by the Examiner, is respectfully requested.

**Identification Of Time Of Filing The
Supplemental Information Disclosure Statement**

- This Information Disclosure Statement is being filed within three months of the filing date of the national application.
- This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in §1.491 in an international application.
- This Information Disclosure Statement is being filed before the mailing date of the First Office Action on the merits.
- This Information Disclosure Statement is being filed after three months of the filing date of the national application or after three months of the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office Action on the merits, but before the mailing date of either a final action under § 1.113 or a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application.

Accompanying this transmittal is:

- a statement specified in 37 CFR § 1.97(e); or
- a fee set forth in 37 CFR § 1.17(p)
- This Information Disclosure Statement is being filed after the mailing date of a final action under § 1.113, or a notice of allowance under § 1.311 but before the payment of the issue fee.

Accompanying this transmittal is:

1. a statement as specified in 37 CFR § 1.97(e); and
2. a fee set forth in 37 CFR § 1.17(p)

Statement For Information Disclosure Statement 37 CFR 1.97(E)
(Only if Required Above)

I, the person signing below, hereby state that:

- [] each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 CFR § 1.97(e)(1); or
- [] no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in the counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 CFR § 1.97(e)(2).

Translations of Foreign Documents

This Information Disclosure Statement includes no patents that are written in Non-English languages.

Fee Payment

- [] attached is a check in the amount of \$ _____
- [] charge Deposit Account No. 07-0153
in the amount. \$ _____
- A duplicate of this request is attached.**

Applicants believe that no additional fees are due for the filing of this IDS. However, if any additional fees are due, or any overpayments have been made, please charge, or credit, Deposit Account No. 07-0153.

Dated: February 10, 2004


Carol M. Nielsen Reg. No.: 37,676
Gardere Wynne Sewell LLP
1000 Louisiana Street, Suite 3400
Houston, Texas 77002-5007
713-276-5383 phone
713-276-5555 fax
cnielsen@gardere.com

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY DOCKET NO.

122294-1007

SERIAL NO.

10/661,729

McWilliams et al.

FILING

September 12, 2003

GROUP

FEB 10 2004

U.S. PATENT DOCUMENTS

EXAMINER INITIALS PATENT & TRADEMARK OFFICE	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,072,275	02/07/78	Bartels et al.	241	79	10/18/76
	4,509,695	04/09/85	Bessman	241	2	07/18/83
	4,688,727	08/25/87	Sijsling	241	56	03/02/84
	4,776,173	10/11/88	Kamarei and Sinn	62	63	01/26/88
	4,859,605	08/22/89	Metzger et al.	436	43	12/16/86
	5,384,149	01/24/95	Lin	426	646	03/02/94
	5,390,859	02/21/95	Rajasekaran	241	2	10/06/93
	5,707,861	01/13/98	Sherman et al.	435	306.1	09/14/95
	5,829,696	11/03/98	DeStefano et al.	241	169	08/27/97
	6,063,616	05/16/00	Weeden	435	283.1	11/04/97
	US 2001/0047966 A1	12/06/01	Colpan	210	767	07/09/01

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.